

Message Text

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C O R R E C T E D C O P Y (MRN 17061 VICE 17064)

E.O. 11652: N/A

TAGS: PINT, IN

SUBJECT: FERNANDES TRIAL TEMPORARILY SUSPENDED

REF: NEW DELHI 16648

1. AS REPORTED IN PARA 5 OF REFTEL, WE HAD HEARD THAT A PETITION HAD BEEN FILED WITH THE GUJARAT HIGH COURT ON BEHALF OF SOME OF THE ACCUSED ASKING THAT THE JUDICIAL PROCEEDINGS TAKE PLACE IN GUJARAT, RATHER THAN DELHI. LAWYERS FOR THE ACCUSED (12 OF THE 25 DEFENDANTS, AS IT TURNS OUT) HAD ARGUED IN THE PETITION THAT SINCE THE CASE HAD BEEN INITIALLY HEARD BY A COURT IN BARODA, THE TRIAL SHOULD TAKE PLACE IN THAT CITY. ALSO, THE PETITION REPORTEDLY CONTENTED THAT BARODA WAS THE PROPER VENUE FOR THE PROCEEDINGS BECAUSE THE CBI CHARGESHEET HAD ALLEGED THAT THE PLOT WAS HATCHED THERE.

2. ON NOVEMBER 17, JUSTICE D.P. DESAI OF THE GUJARAT HIGH COURT ISSUED AN INTERIM INJUNCTION RESTRAINING THE DELHI ADMINISTRATION FROM PROCEEDING FURTHER WITH THE CASE UNTIL THE COURT HAD HELD ITS FINAL HEARING ON THE PETITION, WHICH WAS SET FOR NOVEMBER 26. IN VIEW OF THIS INJUNCTION, DELHI CHIEF METROPOLITAN MAGISTRATE MOHAMMED SHAMIM ON NOVEMBER 23 SUSPENDED THE PROCEEDINGS IN HIS COURT PENDING THE

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OUTCOME OF THE GUJARAT HIGH COURT'S DECISION. (SHAMIM HAD

FIXED NOVEMBER 23 AS THE DATE FOR DELIVERING HIS RULING ON A PETITION FILED BY FERNANDES AND OTHERS THAT THE PROSECUTION'S DOCUMENTS BE ANNOTATED WITH THE OPINIONS OF THE PROSECUTION EXPERTS. THIS RULING WILL BE HELD IN ABEYANCE FOR THE MOMENT.) SHAMIM'S ONLY OTHER ACTION ON NOVEMBER 23 WAS TO ANNOUNCE AN ORDER FROM THE GUJARAT HIGH COURT WHICH CANCELLED THE BAIL IT HAD EARLIER GRANTED TO PRABHUDAS PATWARI, A PROMINENT AND ELDERLY CONGRESS (P) LEADER FROM BARODA. THE EFFECT WILL BE THAT PATWARI WILL NO LONGER BE ELIGIBLE FOR SPECIAL PRIVILEGES AND MAY BE ORDERED TO APPEAR IN COURT IN HANDCUFFS AND CHAINS.

3. THE GUJARAT HIGH COURT WILL CONDUCT ITS FINAL HEARING ON THE PETITION ON NOVEMBER 26, WITH THE JUDGEMENT DUE TO BE ANNOUNCED ON NOVEMBER 29 OR 30. MAGISTRATE SHAMIM FIXED DECEMBER 7 AS THE DATE FOR THE NEXT SESSION OF THE TRIAL IN DELHI.
SCHNEIDER

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